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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,113	10/23/2003	John A. Rabenius	1134-P-1	6577

7590 10/07/2004
TOD R. NISSLE, P.C.
P.O. Box 55630
Phoenix, AZ 85078

EXAMINER

WUJCIAK, ALFRED J

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 10/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/692,113

Applicant(s)

JOHN RABENIUS

Examiner

Alfred Joseph Wujciak III

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MW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

This is the first Office Action for the serial number 10/692,113, METHOD AND APPARATUS FOR MOUNTING FLAT SCREEN TELEVISION ON VERTICALLY ORIENTED SURFACE, filed on 10/23/03.

Specification

The disclosure is objected to because of the following informalities: on page 16, line 13, "Fig.54" is indefinite because the drawing does not have "Fig.54".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2 and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent # 6,554,242 to Kim.

Kim teaches the improvements mounting the television (col.1, lines 10 and 13-15) on a vertically oriented wall, including at least one mounting member (12) mounted on the wall and including at least one slot (28), at least one horizontally oriented structural support member (24) including an intermediate portion (27) slidably inserted in the slot, at least a pair of vertically

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oriented spaced apart structural support members (16), and a plurality of connector members (60) mounted on the vertically oriented structural support members and connected to the back of the television (col. 5, lines 16-19). The improvements include at least one connector member (30) mounted on the mounting member.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 4 is rejected under 35 U.S.C. 102(b) as being anticipated by
US Patent # 6,019,332 to Sweere et al.

Sweere et al. teaches the improvement mounting the television (16) comprising at least one mounting member mounted on the wall (12,14,18 and 22), at least one horizontally oriented support member (24, 32) mounted on the mounting member, at least a pair of vertically oriented spaced apart structural support members (68 and 70) connected to the horizontally oriented structural support member and a plurality of connector members (36, 38, 82 and 84) pivotally mounted on the vertically oriented structural support members. The plurality of connector members are connected to the back of the television.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kim in view of

US Patent # 5,813,175 to Hiragaki.

Kim teaches the improvements mounting the television (col.1, lines 10 and 13-15) on a vertically oriented wall, including at least one mounting member (12) mounted on the wall and including at least one slot (28), at least one horizontally oriented structural support member (24) including an intermediate portion (27) slidably inserted in the slot, at least a pair of vertically oriented spaced apart structural support members (16), and a plurality of connector members (60) mounted on the vertically oriented structural support members and connected to the back of the television (col. 5, lines 16-19). The improvements include at least one connector member (30) mounted on the mounting member.

Kim teaches the plurality of connector units but fails to teach the connector units including a vibration absorbing spacer. Hiragaki teaches the vibration absorbing spacer (13-14). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have added vibration absorbing spacer to Kim's connector units as taught by Hiragaki to prevent television from damaging when the connector units is exposed under vibration.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kim.

Kim teaches the improvements mounting the television (col.1, lines 10 and 13-15) on a vertically oriented wall, including at least one mounting member (12) mounted on the wall and including at least one slot (28), at least one horizontally oriented structural support member (24) including an intermediate portion (27) slidably inserted in the slot, at least a pair of vertically oriented spaced apart structural support members (16), and a plurality of connector members (60) mounted on the vertically oriented structural support members and connected to the back of the

television (col. 5, lines 16-19). The improvements include at least one connector member (30) mounted on the mounting member.

Kim teaches all elements above but fails to teach a method for mounting a flat screen television on a vertically oriented wall. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have specified steps for mounting the television on the vertically oriented wall to prevent damaging the television during installing process.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US Patent # 6,559,829 to Matsuo et al.

US Patent # 2003/0201372 to Dozier

US Patent # 6,752,363 to Boele

US Patent # 6,585,203 to Euker

US Patent # 6,402,109 to Dittmer

US Patent # D494,596 S to Pfister

Matsuo et al., Dozier, Boele, Euker, Dittmer and Pfister teach a mounting support for supporting a display device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alfred Joseph Wujciak III whose telephone number is (703) 306-5994. The examiner can normally be reached on 8am-4:30pm.

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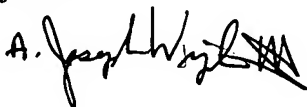
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie A Braun can be reached on 703 308 2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alfred Joseph Wujciak III

Examiner

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A handwritten signature in black ink, appearing to read "A. Joseph Wujciak III", with a stylized flourish at the end.

9/27/04